



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF (Landlords' Application), CNL (Tenants' Application)

Introduction

This hearing was convened by way of conference call in response to an application made by the Landlords for an Order of Possession to end the tenancy and an application made by the Tenants to cancel a notice to end tenancy for the Landlord's use of the property. Both applications were scheduled to be heard together in this hearing. Apart from the notice to end tenancy, no documentary evidence was submitted by the parties prior to this hearing.

However, the only participants appearing for this hearing was the male Tenant and his legal advocate. There was no appearance by the Landlords despite the line being left open for ten minutes to provide them an opportunity to dial into the hearing. The Tenants had filed their application on the basis that the *Residential Tenancy Act* (the "Act") did not apply to this dispute because the rental unit is located on reserve lands. The Tenant's legal advocate explained that the Landlords had pursued this dispute through another forum of dispute resolution under the jurisdiction of the Indian band who governs the use and occupation of the land the rental unit sits on and that a hearing in that forum is scheduled to take place in the near future.

In the absence of any appearance or evidence from the Landlords to dispute this, I accept the Tenant's undisputed position that the Act does not apply to this tenancy and therefore, I am unable to make any legal findings in this matter. There is no jurisdiction of the Act in this dispute.

Dated: February 17, 2017

Residential Tenancy Branch

